## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:22-cy-696-FDW-DSC

LEEGRACIEA LEWIS,	)
Plaintiff,	)
VS.	ORDER
MILLER VALENTINE GROUP, et al.,	)
Defendants.	) )

**THIS MATTER** is before the Court *sua sponte*.

The *pro se* Plaintiff filed this civil action without paying the filing fee, and sought to proceed *in forma pauperis*. [Doc. 2]. On January 23, 2023, the Court denied the Plaintiff's Application to proceed *in forma pauperis* without prejudice to pay the filing fee or to file an Amended Application within 21 days. [Doc. 5]. She was cautioned that, "[i]f Plaintiff fails to timely comply ..., the Complaint will be dismissed without prejudice and this case will be closed without further notice." [Id. at 2]. The Plaintiff has not paid the filing fee or filed an Amended Application to proceed *in forma pauperis* and the time to do so has expired.

The Plaintiff appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

## IT IS, THEREFORE, ORDERED that:

- 1. This action is **DISMISSED** without prejudice for failure to comply with the Court's January 23, 2023 Order.
- 2. The Clerk of Court is directed to close this case.

Signed: February 21, 2023

Frank D. Whitney

United States District Judge